Docket No.: 1046.1264

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroyasu FUJIWARA et al.

Serial No. 10/015,660   Group Art Unit: 2128

Confirmation No. 8518

Filed: December 17, 2001   Examiner: GEBRESILASSIE, KIBROM K.

For: MEDIUM RECORDED WITH PROGRAM FOR MANAGING AND UTILIZING
      INFORMATION OF PLURALITY OF CORPORATIONS IN REAL TIME,
      ORGANIZATION ACTIVITY MANAGEMENT METHOD, AND INFORMATION
      PROCESSING SYSTEM

PRE-APPEAL BRIEF CONFERENCE REQUEST

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection in the above-identified application. This

request is being filed with a Notice of Appeal. The review is requested for the following reasons:

I. THE OFFICE ACTION SKEWS THE MEANING OF CLAIM FEATURES AND TAKES DIFFERENT POSITIONS RELATIVE TO A SAME ELEMENT DISCLOSED IN THE PRIOR ART

In Office Action mailed June 22, 2006, claims 1-15 were rejected under 35 U.S.C.

§103(a) as being unpatentable over the article "An Integration Test-Bed System for Supply chain

Management" by Umeda et al. (hereinafter "Umeda"), in view of U.S. Patent No. 6,049,787 to

Takahashi et al. ("Takahashi"). The rejection of claim 1 is illustrative as to how the Office Actions

ignore express claim elements, such as, for example, "inputting the communication data sent

from a first organization to a second organization."

In the Office Action mailed on June 22, 2006, it is alleged that the following portion of

Umeda discloses the above-cited "inputting":

> The input data to VSM includes delivery orders from customers, and status information on existing orders from suppliers. VSM also uses inventory data of input/output parts, demands data in phased time, and BOM tables representing parts construction. On the while, VSM sends the process orders to the individual suppliers for production, transportation, purchase, shipment and others.

In response, Applicants argued that Umeda describes the VSM as receiving data from multiple customers, processes the data and generates process orders directed to individual suppliers. VMS does not deliver orders received from one customer (i.e., first organization) to an individual supplier (i.e., second organization). Moreover, VSM processes the data received from multiple customers to provide the process order, which is data other than the received data, to an individual supplier. Therefore, the VSM as described in the indicated portion of Umeda does not teach or suggest "inputting the communication data sent from a first organization to a second organization."

In the Advisory Action mailed on November 17, 2006, the following paragraph of Umeda (page 1379, #3) is additionally cited as teaching the "inputting":

> 3. The demand data driver collects demands data from the distributors and customers, and processes them to send to simulation system and the decision support system.

In the Advisory Action, it is alleged that the demand driver is the first organization and the simulation system is the second organization. Applicants respectfully submit that this position has flawed logic. Claim 1 recites a method performed on a computer to manage data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations. The computer is not the first organization and not the second organization. The computer inputs the communication data sent from a first organization to a second organization, and simulates a first intra-organization procedure using the communication data. That is, the computer performing the method cannot act at the same time the first organization as demand data driver and the second organization as simulating system.

Accordingly, Applicants respectfully submit that Examiner's arguments skew the meaning of features positively recited in claim 1.

In response to the Office Action of June 22, 2006, Applicants argued that Umeda does not teach or suggest "simulating a first intra-organization procedure executed in said first organization when sending the communication data." In the Advisory Action, it is alleged that the simulating system simulates the demand data, but then elaborates stating that the supply simulation system simulates the data transactions through the communication among suppliers in the chain. Applicants respectfully submit that Umeda does not teach simulating an intra-organization procedure in the demand data driver as it should to be consistent with the position taken relative to disclosing the first feature of the claim (i.e., the "inputting"). As stated in Umeda page 1380 the simulation therein simulates the following:

1. bussiness processes and activities in the chain;

2. the individual suppliers (factories) physical activities; and

3. the data transaction through communication among suppliers.

The simulation does not simulate an intra-organization procedure of the demand data driver, which the Advisory Action alleges to be the first organization.

II. THE REJECTIONS OMIT ESSENTIAL ELEMENTS REQUIRED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS

In the response to the Final Office Action, Applicants argued that the Examiner provided no motivation to combine the references. In the Advisory Action, the Examiner put forth the following motivation:

> The common thread between the references is the business
> transaction between different companies of firms such as vendors,
> retailers, and distributors. One of the references deals with real
> world data and one with simulation data. [...] It would have been
> obvious to one of ordinary skill in the art to link the real world data
> of Takahashi et al. to the teachings of Umeda et al of simulating
> system to gain a successful result of real time customer demands
> in the business transaction between different companies or firms.

Applicants respectfully submit that this is a rather far fetched conclusory assertion which is clearly insufficient to establish a prima facie case of obviousness.

CONCLUSION

Accordingly, the Applicants respectfully submit that the Examiner's rejections are clearly without basis and should be withdrawn. Further, the Applicants respectfully request that the Office issue a finding that the application is allowed on the existing claims and that prosecution remains closed.

Respectfully submitted,

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Date: Dec. 22, 2006   By: _____

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